

**MINUTES of the meeting of Council held at The Shire Hall, St Peter's Square, Hereford, on Friday 23 November 2012 at 10.30 am**

**Present:** Councillor LO Barnett (Chairman)  
Councillor ACR Chappell (Vice Chairman)

**Councillors:** PA Andrews, AM Atkinson, CNH Attwood, CM Bartrum, AJM Blackshaw, WLS Bowen, H Bramer, AN Bridges, EMK Chave, MJK Cooper, PGH Cutter, BA Durkin, PJ Edwards, DW Greenow, KS Guthrie, RB Hamilton, J Hardwick, EPJ Harvey, AJ Hempton-Smith, JW Hope MBE, MAF Hubbard, RC Hunt, JA Hyde, TM James, JG Jarvis, AW Johnson, Brig P Jones CBE, JLV Kenyon, JF Knipe, JG Lester, MD Lloyd-Hayes, RI Matthews, PJ McCaull, SM Michael, JW Millar, PM Morgan, NP Nenadich, C Nicholls, RJ Phillips, GA Powell, GJ Powell, R Preece, PD Price, SJ Robertson, P Rone, A Seldon, P Sinclair-Knipe, J Stone, DC Taylor, PJ Watts and DB Wilcox

**52. PRAYERS**

The Very Reverend Michael Tavinor led the Council in prayers.

Following prayers Council stood for a minute's silence in remembrance of Councillor Gordon Lucas.

**53. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors: PL Bettington, FM Norman and GR Swinford.

**54. DECLARATIONS OF INTEREST**

11. COUNCIL TAX SUPPORT SCHEME AND COUNCIL TAX DISCOUNTS.  
Councillor CNH Attwood, Non-Pecuniary.

11. COUNCIL TAX SUPPORT SCHEME AND COUNCIL TAX DISCOUNTS.  
Councillor DC Taylor, Personal, Property.

11. COUNCIL TAX SUPPORT SCHEME AND COUNCIL TAX DISCOUNTS.  
Councillor DW Greenow, Personal.

11. COUNCIL TAX SUPPORT SCHEME AND COUNCIL TAX DISCOUNTS.  
Councillor GA Powell, Personal.

11. COUNCIL TAX SUPPORT SCHEME AND COUNCIL TAX DISCOUNTS.  
Councillor J Stone, Prejudicial.

11. COUNCIL TAX SUPPORT SCHEME AND COUNCIL TAX DISCOUNTS.  
Councillor JF Knipe, Non-Pecuniary.

11. COUNCIL TAX SUPPORT SCHEME AND COUNCIL TAX DISCOUNTS.  
Councillor KS Guthrie, Personal.

11. COUNCIL TAX SUPPORT SCHEME AND COUNCIL TAX DISCOUNTS.  
Councillor MAF Hubbard, Non-Pecuniary.

11. COUNCIL TAX SUPPORT SCHEME AND COUNCIL TAX DISCOUNTS.  
Councillor MD Lloyd-Hayes, Personal.

11. COUNCIL TAX SUPPORT SCHEME AND COUNCIL TAX DISCOUNTS.  
Councillor MJK Cooper, Personal.

11. COUNCIL TAX SUPPORT SCHEME AND COUNCIL TAX DISCOUNTS.  
Councillor PJ Edwards, Personal.

11. COUNCIL TAX SUPPORT SCHEME AND COUNCIL TAX DISCOUNTS.  
Councillor RI Matthews, Prejudicial.

11. COUNCIL TAX SUPPORT SCHEME AND COUNCIL TAX DISCOUNTS.  
Councillor RJ Phillips, Personal.

11. COUNCIL TAX SUPPORT SCHEME AND COUNCIL TAX DISCOUNTS.  
Councillor WLS Bowen, Prejudicial.

13. INDEPENDENT REMUNERATION PANEL.  
Councillor A Seldon, Non-Disclosable Pecuniary, Chairman of General Overview and Scrutiny Committee.

13. INDEPENDENT REMUNERATION PANEL.  
Councillor EPJ Harvey, Non-Disclosable Pecuniary, Vice Chairman of General Overview and Scrutiny Committee.

13. INDEPENDENT REMUNERATION PANEL.  
Councillor JW Millar, Prejudicial, Chairman of Health and Adult Social Care Overview and Scrutiny Committee.

13. INDEPENDENT REMUNERATION PANEL.  
Councillor PD Price, Prejudicial, Deputy Leader of the Council.

13. INDEPENDENT REMUNERATION PANEL.  
Councillor PM Morgan, Prejudicial, .

13. INDEPENDENT REMUNERATION PANEL.  
Councillor SJ Robertson, Non-Disclosable Pecuniary, Vice Chairman of Health and Adult Social Care Overview and Scrutiny Committee.

14. BREACH OF THE MEMBERS' CODE OF CONDUCT.  
Councillor MAF Hubbard, Non-Pecuniary.

## 55. MINUTES

**RESOLVED:** That the Minutes of the meeting held on 28 September 2012 be confirmed as a correct record and signed by the Chairman, subject to the following amendment that was made at the meeting to clarify the decision in respect of Minute No: 43, which was as follows.

**Notice of Motion Three:** Councillor Hubbard proposed the amendment to the motion with the addition of a final paragraph to the resolution of the motion.

**RESOLVED:**

**THAT this Council:**

- a) embrace its new responsibilities for public health in accordance with the Health and Social Care Act 2012 that takes effect from 1 April 2013 by demonstrating its leadership as an exemplar employer;
- b) makes a clear commitment to the health and well-being of its staff, volunteers and their families through the introduction of support to adopt healthy lifestyles; and,
- c) makes a clear commitment to active travel arrangements across the County using the Council's public health role to promote and fund sustainable forms of active travel across the County.

## 56. CHAIRMAN'S ANNOUNCEMENTS

The Chairman in her announcements:

- Informed Council of the Vice-Chairman's attendance at a concert hosted by The Rifles at the Royal Albert Hall on 18 October.
- Expressed her pleasure in officially opening the newly extended and refurbished facilities at the Hereford Leisure Pool.
- Reported that she launched the Herefordshire Poppy Appeal at Asda on 27 October 2012.
- Informed Council that the Vice-Chairman attended the opening of the Allpay Flavours of Herefordshire Festival on 27 October.
- Thanked all Herefordshire Councillors for attending remembrance services across the county.
- Expressed her pleasure in opening the launch of Herefordian Alfred Watkins' book Herefordshire.
- Advised that the Vice-Chairman attended the Sports Awards at which paralympian Josie Pearson was awarded the Herefordshire and Worcestershire Sports Personality of the Year 2012 award.
- Finally, Council was informed of the fund raising activities carried out by staff for the 2012 Children in Need appeal when £2,500 was raised.

## PETITIONS

One petition was received from Councillor McCaull regarding the increasing of car parking charges in Leominster and was handed to the Cabinet Member Education and Infrastructure.

## **57. QUESTIONS FROM MEMBERS OF THE PUBLIC**

A copy of the public questions and written answers, together with the supplementary questions and answers asked at the meeting are attached to the Minutes at Appendix 1.

## **58. FORMAL QUESTIONS FROM COUNCILLORS TO THE CABINET MEMBERS AND CHAIRMEN UNDER STANDING ORDERS**

A copy of the Member questions and written answers, together with the supplementary questions and answers asked at the meeting are attached to the Minutes at Appendix 2.

## **59. NOTICES OF MOTION UNDER STANDING ORDERS**

### **NOTICE OF MOTION – RETAIL DEVELOPMENT OLD CATTLE MARKET SITE**

Moved by Councillor MAF Hubbard and seconded by Councillor RI Matthews.

Councillor Hubbard addressed Council and made the following points:

- In stating the historic city centre has an impact on the market towns the proposer of the motion stated that should a Member wish to amend the motion to reflect a cross county city centre, to ensure the market towns receive the same support, the proposer would be in agreement.
- Council was reminded that it was originally stated that 80% of retail space would be developed with new stores and only 20% of retail space given to current retailers in the city centre.
- As the economy has worsened the restriction on retail space has been removed and replaced by a list of high town retailers that it was originally agreed developers would not approach.
- Councillor Hubbard accepted there had been an issue of confidentiality and agreed to rule himself out with regards to recommendation (a) of the motion, which was to share the list of named retailers that could not be approached by developers.
- The administration was planning a rapid expansion of the retail quarter at a time of economic crisis nationally and believed the administration should work on what was already in place in the city.
- There was a need for a well researched retail impact assessment to be carried out covering heritage, tourism and retail and develop a cross county strategy encompassing all the market towns to provide vision for the county.
- Consideration should also be given to the rapid growth of internet shopping and to use what is already in the city to its best advantage.

The following points were made in debate.

- Council must look to the sustainability of the city centre and ensure it is viable for generations to come.
- Believe the points raised relate to the core strategy.
- Important to ensure processes are in place to engage with the public and as much information as possible should be put in the public domain.
- Proposed the notice of motion be amended, that Council accept points b) and c) and delete a) as it was not considered to be enforceable. Councillor Edwards proposed the amendment to delete recommendation a). This was accepted by Councillor Hubbard as the proposer.

- It was felt that because internet shopping had risen so significantly Council should take stock of what was already in place and revitalise the city centre, particularly as a further dip in the economy was predicted. Any analysis could be undertaken by Council officers and therefore, there was no requirement to engage consultants.
- The Leader stated his support for Councillor Hubbard on recommendations b) and c) but stated the survey referred to had 4 been carried out and the information was available.

It was proposed by Councillor Wilcox and seconded by Councillor Taylor that the motion be put to a vote and following a vote this was agreed.

Following a vote the motion was declared carried with:

For	47
Against	3
Abstentions	0

**RESOLVED:**

- That the appropriate Cabinet Member be requested to arrange for a revised retail impact assessment to be undertaken to understand the potential impact of the new development on Hereford's historic retail area;**
- That the Leader be requested to arrange cross party talks to develop a comprehensive strategy to tackle issues arising out of the revised retail impact assessment detailed in a) above.**

**60. APPOINTMENT OF HEREFORDSHIRE COUNCIL CHIEF EXECUTIVE AND HEAD OF PAID SERVICE**

Council considered a report of the Employment Panel which met on 13 November 2012. The Leader addressed Council and advised that the process for appointing the Chief Executive had been a clear, thorough and well conducted one with the final decision being a unanimous one of the Employment Panel. The Leader assured Council of the high quality of the candidates that had applied for the position and recommended to Council the appointment of Alistair Neill as Chief Executive.

Concern was raised by some Members with regards to the process and the Monitoring Officer assured Council that legal opinion had been sought and that the process had been robust, carried out correctly and was likely to withstand any potential legal challenge.

It was moved and seconded that the report be accepted. A vote was taken and it was unanimously agreed:

For	47
Against	0
Abstentions	6

**RESOLVED: That the appointment of Alistair Neill as Chief Executive and Head of Paid Service for Herefordshire Council be approved.**

## 61. LEADER'S REPORT

The Leader of the Council, Councillor Jarvis, presented his report to Council. The following comments were made by Council:

- Planning for the Future – agenda page 35. In response to a question on the provision of services and town and parish councils bidding to take over the provision of some services, the Leader said he would endeavour to ensure town and parish councils had all the information they required.
- In response to a question on the statistical accuracy on the Quality of Life survey, the Leader reassured Council of the reliability of the survey and noted the comments made on communications with the public.
- Planning for the Future – agenda page 36 5.3 and 5.4 – delivery of Core Strategy and how long it is taking. The Cabinet Member advised that a timetable was in place and the end date of completion had not changed even though further consultation was proposed.
- In referring to Adult Social Care Councillor Glenda Powell stated she could not support the administration in increasing fees and charges. In response the Cabinet Member reminded Council that the demands on Adult Social Care were great and that there were tough choices to be made. In consultation Councillors had supported the increases, however, any member of the public who was not able to pay would not be expected to do so. The Chairman of Adult Social Care Overview and Scrutiny confirmed to Council that the Committee had reviewed the changes to fees and charges and would be reviewing the budget. He added that as changes took place the Committee would look to carry out a review.
- In response to a question on the Ofsted report the Cabinet Member confirmed that the report had been sent to all Members prior to public release.
- Herefordshire People – agenda page 36 5.7 – taxi marshalling service. In response to a question on the new taxi marshalling service the Leader advised Councillor Kenyon that he would contact him separately on how much money the Council had put into the service.
- Herefordshire's Economy and Communities – agenda page 37 5.13. Councillor McCaull referred to the consultation on car parking charges and the proposed increase and stated all Councillors in Leominster were against the proposed fee for Etnam Street car park. Councillors asked that the fee to be reversed or reviewed in six months time. The Cabinet Member reminded Council that all Members for the City or market towns had been consulted, that it had been explained and agreement had been reached. He added that there was a revenue issue and this was a way of supporting the budget. During the course of the year a review would be carried out and all points set out in the General Overview and Scrutiny Committee would be taken into consideration.
- The Cabinet Member was congratulated on the H.Energy week and the Council's commitment to environmental sustainability.
- In response to a question on the sale price of the Edgar Street Grid the Leader reiterated that the quote of £90m for the site referred to its development value.
- In response to a question on the cycling project to support sustainable travel the Cabinet Member stated the project would be completed before the money ran out in 2015.

**RESOLVED: That the overview of the Executive's activity be noted.**

## 62. COUNCIL TAX SUPPORT SCHEME AND COUNCIL TAX DISCOUNTS

The Cabinet Member Corporate Services presented the report of the Chief Officer Finance and Commercial on the Council Tax Support Scheme and Council Tax Discounts.

Note: At this point those Members that had declared an interest left the chamber whilst the item was discussed.

The Cabinet Member advised that the current Council Tax Benefit subsidy was £13m. This was to be replaced with grant funding amounting to £11.6m leaving a funding gap of £1.4m. The Cabinet Member stated there were not the reserves to fall back on therefore savings had to be made. Council was referred to agenda page 36 paragraph 8.3 and the table outlining the proposed changes or funding streams. The Cabinet Member added that the proposed budget was intended to take the Council forward, but referred to paragraph 10.4 of the report, which stated the new scheme was no longer a national scheme and therefore there was potential for local challenges. It was not clear the impact this could have on the scheme or on the implementation timescales.

In response to a question of clarification Council was reminded that Government would be taking 10% off Council Tax support, which raised concern for young families on low incomes. Concern was also raised at the low percentage of the population that had responded to the consultation and at the way residents were being reached for consultation. Council was reminded that in the Government response it stated that all people should pay something towards Council tax. It was moved and seconded that the recommendation be adopted and upon a vote being taken:

For	24
Against	5
Abstentions	6

### RESOLVED

#### THAT:

- a) the Council Tax Transitional Grant be accepted;
- b) Council adopts a new Council Tax Support Scheme for 2013/14 based on the adoption of two of the principles that were consulted upon as indicated in paragraph 31 of the Cabinet report, so that the requirements of the grant be met; and
- c) changes to Council tax discounts outlined in the report be implemented from 1 April 2013.

## 63. COUNCIL CORPORATE PLAN 2013/15

The Cabinet Member Corporate Services presented the report of the Acting Chief Executive on the Council's Corporate Plan 2013/15.

**RESOLVED**

**THAT:**

- a) the Corporate Plan 2013/15 as set out at Appendix B to the report be approved; and
- b) authority be delegated to Cabinet to agree in year amendments to outcome measures as necessary.

**64. INDEPENDENT REMUNERATION PANEL**

The Leader of the Council presented the report of the Assistant Director Law, Governance and Resilience on the Independent Remuneration Panel. Council considered the recommendations and following a vote it was agreed to amend recommendation b) 2 – the number of Task and Finish Groups a Vice Chairman of Overview and Scrutiny Committee must chair, from 50% to 40% of Task and Finish Group meetings.

**RESOLVED**

**THAT:**

- a) the Independent Remuneration Panel be thanked for its report;
- b) having regard to the recommendations of the Independent Remuneration Panel Council adopts the following:
  - 1 the level of allowance paid to the Chairmen of the two Overview and Scrutiny Committees be set at Band 2, and that this rate be reviewed not later than 2015;
  - 2 an allowance be paid to the Vice-Chairmen of the two Overview and Scrutiny Committees and that this be set at Band 4, subject to the Vice Chairmen chairing at least 40% of the Task and Finish Groups held by the Committee. An allowance to otherwise be set for Vice Chairmen at Band 5. These rates to be reviewed in 2015.
  - 3 that an allowance of £500 be paid to Chairmen of special Scrutiny Task and Finish Groups appointed by the relevant Overview and Scrutiny Committee subject to appropriate criteria being met. The number of payments to be reviewed at the end of 12 months;
  - 4 that a separate allowance be paid to the Deputy Leader of the Council, and that this be set at 60% of the Leader's allowance, an amount of £16,763. Only one special responsibility allowance to be paid to any one Member, and the rate of the allowance for the Deputy Leader of the Council to be reviewed in 2015;
  - 5 that Her Majesty's Revenue and Customs Service rates be paid regardless of the fuel type used by a vehicle and that these rates be reviewed by Herefordshire Council before 2016;



- 6 that where practicable, Members requiring overnight accommodation utilise three star accommodation or equivalent, evidenced by receipts. If no suitable accommodation is available, Members may, with the approval of the Monitoring Officer, book accommodation to the value of £120 per night, evidenced by receipts;**
  - 7 that no allowance be recommended for the Chairmen of the Rural and the Urban Forums. However, the activities of both Forums to be reviewed by the Panel in December 2013; and**
- c) the new Allowances Scheme to take effect from 23 November 2012.**

**Note:** As the Council meeting had exceeded the three hours set aside for the meeting in accordance with the Council's Constitution 4.1.7. the Chairman determined that the remaining business be deferred to an extraordinary meeting of Council to be held on Friday 4 January 2013.

The meeting ended at 2.10 pm

CHAIRMAN